

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ROBERT J. HILDENSTEIN, SR., # S00252,**

**Petitioner,**

**vs.**

**NEDRA CHANDLER,**

**Respondent.**

**Case No. 13-cv-1216-DRH**

**MEMORANDUM AND ORDER**

**HERNDON, Chief District Judge:**

Robert J. Hildenstein, Sr., a state prisoner, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This action was transferred to this Court by the Northern District of Illinois, because petitioner is challenging his 2004 Madison County, Illinois, conviction for murder. Petitioner raises grounds of actual innocence, and argues that his guilty plea was not knowing or voluntary because the trial court failed to admonish him that his 20-year sentence would be followed by a three-year term of mandatory supervised release.

Petitioner indicates that he has exhausted his state court remedies with respect to the claims raised in his federal habeas petition. The timeliness of the petition is at issue, however. The Court has reviewed the petition (Doc. 1) as well as petitioner's response (Doc. 5) to the show cause order of the Northern District (entered before that court determined that transfer of this cause was appropriate). Without commenting on the merits of petitioner's claims, the Court concludes that the petition survives preliminary review under Rule 4 of the Rules Governing Section 2254 Cases in United

States District Courts.

**IT IS HEREBY ORDERED** that respondent shall answer the petition or otherwise plead within thirty days of the date this order is entered. This preliminary order to respond does not, of course, preclude the State from making whatever waiver, exhaustion or timeliness argument it may wish to present. Service upon the Illinois Attorney General, Criminal Appeals Bureau, 100 West Randolph, 12th Floor, Chicago, Illinois 60601 shall constitute sufficient service.

**IT IS FURTHER ORDERED** that pursuant to Local Rule 72.1(a)(2), this cause is referred to United States Magistrate Judge **Clifford J. Proud** for further pre-trial proceedings.

**IT IS FURTHER ORDERED** that this entire matter be **REFERRED** to United States Magistrate Judge Proud for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral*.

Petitioner is **ADVISED** of his continuing obligation to keep the Clerk (and each opposing party) informed of any change in his whereabouts during the pendency of this action. This notification shall be done in writing and not later than seven days after a transfer or other change in address occurs. Failure to provide such notice may result in dismissal of this action. See FED. R. CIV. P. 41(b).

**IT IS SO ORDERED.**

Signed this 12<sup>th</sup> day of December, 2013.

Digitally signed by  
David R. Herndon  
Date: 2013.12.12  
14:51:11 -06'00'



**Chief Judge  
U.S. District Court**